



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 28, 2022

Via ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. James Bradley and Arwa Muthana, 21 Cr. 277 (PAE)

Dear Judge Engelmayer:

The Government respectfully requests an adjournment of two weeks, to May 16, 2022, in order to file its submission pursuant to Section 4 of the Classified Information Procedures Act (“CIPA”) in this matter. The defendants have no objection to this request.

As the Court is aware, the Government’s submission is currently due on May 2, 2022. (Dkt. 55). On March 23, 2022, the Court granted the Government’s prior request for an adjournment of one month. Yesterday, the National Security Division of the Department of Justice (“DOJ”) relayed the directive from DOJ leadership that we seek a two-week adjournment to file the CIPA Section 4 submission. The Second Circuit has held that to protect classified information from disclosure through a CIPA Section 4 motion, the Government must invoke the “state secrets” privilege, and submit supporting declarations from the U.S. Government officials with responsibility for and personal knowledge of the classified information at issue, including, for example, the Attorney General of the United States, who must assert the state secrets privilege. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (specifying that the state secrets privilege must be “lodged by the head of the department which has control over the matter, after actual personal consideration by that officer” (internal citation and quotation omitted)).

We are sensitive to the Court’s remarks at the last conference in this matter concerning the due date for this submission, and have conveyed that direction to the relevant DOJ component. To the extent we are able to make our Section 4 submission before the proposed adjusted deadline of May 16, we will do so. Trial in this matter is scheduled to begin on November 15, 2022, and the

Government respectfully submits that the requested adjournment will not interfere with the scheduling in this case. As noted, the defense does not object to this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
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cc: Defense Counsel (by ECF)

GRANTED. The Clerk of Court is requested to terminate the motion at Dkt. No. 61.

4/29/2022

SO ORDERED.


PAUL A. ENGELMAYER

United States District Judge